

AMENDED IN SENATE MARCH 27, 2001

**SENATE BILL**

**No. 789**

**Introduced by Senator Oller**

February 23, 2001

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~~An act relating to education.~~ *An act to amend Section 52052 of the Education Code, relating to the Academic Performance Index.*

LEGISLATIVE COUNSEL'S DIGEST

SB 789, as amended, Oller. ~~Education: parent and guardian rights~~  
*Academic Performance Index.*

*Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index (API), to measure the performance of schools, especially the performance of pupils, and to demonstrate comparable achievement in academic improvement by all numerically significant ethnic and socioeconomically disadvantaged subgroups within schools.*

*Existing law requires that, beginning in June 2000, the API be used to rank all public schools in the state for the purpose of the High Achieving/Improving Schools Program. Under existing law, only comprehensive high schools, middle schools, and elementary schools that have a population of 100 or more pupils may be included in the API ranking. Under existing law, the Superintendent of Public Instruction, with the approval of the State Board of Education, is required to develop, by July 1, 2000, an alternative accountability system for schools with fewer than 100 pupils.*

*This bill would, for purposes of that API ranking, instead require that comprehensive high schools, middle schools, and elementary schools that have 11 to 99 valid test scores receive an API for the year 2000 and*

*each year thereafter. The bill would require that schools that have 11 to 99 valid test scores be considered a subgroup for the purposes of similar school comparison and be given their own performance decile rankings, as specified. The bill would require that the API and subgroup decile rankings be used to determine eligibility for the Governor's Performance Awards Program and for participation in the Immediate/Intervention Underperforming Schools Program.*

*The bill would require the Superintendent of Public Instruction, by July 1, 2001, to develop an alternative accountability system for schools that have fewer than 11 valid test scores.*

~~Existing law contains various provisions that require parents and guardians of children enrolled in the public schools to be informed of their rights with respect to their children's education.~~

~~This bill would state that it is the intent of the Legislature to enact a parent's bill of rights that sets forth the rights of parents and guardians with respect to their children's education and provides for a system for conflict resolution for educators, parents, and guardians.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. It is the intent of the Legislature to enact a parent's bill of rights that sets forth the rights of parents and guardians with respect to their children's education. It is further the intent of the Legislature that the parent's bill of rights provide for a system for conflict resolution for educators, parents, and guardians.~~

*SECTION 1. Section 52052 of the Education Code is amended to read:*

52052. (a) (1) By July 1, 1999, the Superintendent of Public Instruction, with approval of the State Board of Education, shall develop an Academic Performance Index (API), to measure the performance of schools, especially the academic performance of pupils, and to demonstrate comparable improvement in academic achievement by all numerically significant ethnic and socioeconomically disadvantaged subgroups within schools.

(2) For purposes of this section, a numerically significant ethnic or socioeconomically disadvantaged subgroup is a subgroup that constitutes at least 15 percent of a school's total

1 pupil population and consists of at least 30 pupils. An ethnic or  
2 socioeconomically disadvantaged subgroup of at least 100 pupils  
3 constitutes a numerically significant subgroup, even if the  
4 subgroup does not constitute 15 percent of the total enrollment at  
5 a school.

6 (3) The API shall consist of a variety of indicators currently  
7 reported to the State Department of Education including, but not  
8 limited to, the results of the achievement test administered  
9 pursuant to Section 60640, attendance rates for pupils and  
10 certificated school personnel for elementary schools, middle  
11 schools, and secondary schools, and the graduation rates for pupils  
12 in secondary schools.

13 (A) The pupil data collected for the API that comes from the  
14 achievement test administered pursuant to Sections 60640 and  
15 60644 and the high school exit examination administered pursuant  
16 to Section 60851, when fully implemented, shall be disaggregated  
17 by special education status, English language learners,  
18 socioeconomic status, gender and ethnic group. Only the test  
19 scores of pupils who were enrolled in a school district in the prior  
20 fiscal year may be included in the test results reported in the API.  
21 Results of the achievement test and other tests specified in  
22 subdivision (b) shall constitute at least 60 percent of the value of  
23 the index.

24 (B) Before including high school graduation rates and  
25 attendance rates in the index, the Superintendent of Public  
26 Instruction shall determine the extent to which the data is currently  
27 reported to the state and the accuracy of the data.

28 (C) If the Superintendent of Public Instruction determines that  
29 accurate data for these indicators is not available, the  
30 Superintendent of Public Instruction shall report to the Governor  
31 and the Legislature by September 1, 1999, and recommend  
32 necessary action to implement an accurate reporting system.

33 (b) Pupil scores from the following tests, when available and  
34 when found to be valid and reliable for this purpose, shall be  
35 incorporated into the API:

36 (1) The assessment of the applied academic skills matrix test  
37 developed pursuant to Section 60604.

38 (2) The nationally normed test as augmented pursuant to  
39 paragraph (1) of subdivision (f) of Section 60644.

40 (3) The high school exit examination.

(c) Based on the API, the Superintendent of Public Instruction shall develop, and the State Board of Education shall adopt, expected annual percentage growth targets for all schools based on their API baseline score as measured in July 1999. Schools are expected to meet these growth targets through effective allocation of available resources. For schools below the statewide API performance target adopted by the State Board of Education pursuant to subdivision (d), the minimum annual percentage growth target shall be 5 percent of the difference between a school's actual API score and the statewide API performance target, or one API point, whichever is greater. Schools at or above the statewide API performance target shall have, as their growth target, maintenance of their API score above the statewide API performance target. However, the State Board of Education may set differential growth targets based on grade level of instruction and may set higher growth targets for the lowest performing schools because they have the greatest room for improvement. To meet its growth target, a school shall demonstrate that the annual growth in its API is equal to or more than its schoolwide annual percentage growth target and that all numerically-significant ethnic and socioeconomically disadvantaged subgroups, as defined in subdivision (a) of Section 52052, are making comparable improvement.

(d) Upon adoption of state performance standards by the State Board of Education, the Superintendent of Public Instruction shall recommend, and the State Board of Education shall adopt, a statewide API performance target that includes consideration of performance standards and represents the proficiency level required to meet the state performance target. When fully developed, schools may either meet the state target or meet their growth targets to be eligible for the Governor's Performance Award Program as set forth in Section 52057.

(e) Beginning in June 2000, the API shall be used for both of the following:

(1) Measuring the progress of schools selected for participation in the Immediate Intervention/Underperforming Schools Program pursuant to Section 52053.

(2) Ranking all public schools in the state for the purpose of the High Achieving/Improving Schools Program pursuant to Section 52056.

(f) ~~Only comprehensive high schools, middle schools, and elementary schools that have a population of 100 or more pupils may be included in the API ranking.~~ *Comprehensive high schools, middle schools, and elementary schools that have 11 to 99 valid test scores shall receive and API for the year 2000 and every year thereafter. These schools shall be considered a subgroup for the purposes of similar school comparison and shall be given their own performance decile rankings within this subgroup. The API and subgroup decile rankings shall be used for both of the following purposes:*

*(1) Eligibility for the Governor's Performance Award Program and set forth in Section 52057.*

*(2) Participation in the Immediate Intervention/Underperforming Schools Program as set forth in Section 52053. Eligibility for each of the two programs for schools with 11 to 99 valid test scores shall begin with the 2000-01 academic year and continue every year thereafter utilizing the same eligibility criteria applied to schools with 100 or more valid test scores.*

(g) By July 1, ~~2000~~ 2001, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall develop an alternative accountability system for schools with fewer than ~~100 pupils~~ *11 valid test scores*, and for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, and alternative schools *serving high-risk pupils*, including continuation high schools and ~~independent study schools~~ *opportunity schools*.